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From: Spraul, Greg
Sent: Thur 1/16/2014 7:14:00 PM
Subject: FW: WV spill press

2 good articles on the WV spill. See the second one that speaks about homeland security implications.

From: Spraul, Greg
Sent: Thursday, January 16, 2014 8:34 AM
To: Spraul, Greg
Subject: WV spill press

News Headline: Facility in W.Va spill flew under regulatory radar |  

Outlet Full Name: Washington Post - Online

News Text: CHARLESTON, W.Va. — The facility whose chemical spill contaminated the water supply for 300,000 West Virginia residents was barely scrutinized, flying largely under the radar of government regulators who viewed it as a low-risk operation — but in reality, a problem at a key holding wall went undetected and unreported at Freedom Industries Inc.

The chemicals stored at Freedom's facility near the Elk River are not considered hazardous enough by regulators to prompt routine inspections. On a normal day, it never created chemical waste that went into the environment. As a result, the chemical storage terminal was a low priority for regulators, who must pick and choose how to allocate scarce manpower when enforcing environmental laws.

“I think that the loophole that this facility fell into is because it was not a hazardous material, it flew under the radar,” said Randy Huffinan, cabinet secretary of West Virginia's Department of Environmental Protection, which enforces environmental laws.

Freedom's storage terminal holds millions of pounds of chemicals — including some used in coal processing — just a mile and a half upstream from pipes that take in water for a public drinking supply. The distance left little opportunity for chemicals to dilute in the event of a spill.

And those chemicals were stored behind a brick-and-concrete block dike that seems to have had structural problems — an issue the company apparently was aware of. A state official says the president of Freedom told regulators that \$1 million had been put into an escrow account to fix the wall that ultimately failed to hold Thursday's spill, which resulted in a five-day ban on tap water. The ban was lifted for some areas Monday afternoon.

State environmental officials would not have seen the dike problems — they say they never had reason to inspect the site.

Containment dikes are supposed to be a last line of defense against spills, preventing chemicals from flowing into the surrounding environment. Concrete containments are susceptible to cracking over time and need to be maintained, said Susan Burns, a professor of civil engineering at Georgia Tech. She was not familiar with the layout or equipment at Freedom Industries.

“A secondary containment barrier, assuming they are properly engineered and maintained, they typically work quite

well,” she said. “It’s unusual for us to have these types of failures.”

The situation at Freedom is probably not unique. On paper, the chemical storage terminal in West Virginia — like similar sites nationwide — simply did not fall into any inspection program, authorities said. Neither the U.S. Environmental Protection Agency nor the state DEP sent inspectors before the spill, agency officials said.

Because the site only stored and did not manufacture chemicals, it did not need permits to discharge pollutants into the air or water. State officials said it was not required to have a ready-to-go plan for containing spills. It was not cited for any environmental violations, according to a federally run database. The last inspection report for the site dates to 2001, when it was a refinery owned by a different company and operating under more stringent rules, state environment department spokesman Tom Aluise said Monday. It is possible the agency could find additional reports as it digs through its records. Freedom didn’t buy the property until last month.

Officials at the Occupational Safety and Health Administration once scheduled an inspection in 2009, then canceled it after realizing the company did not fall under any of its special emphasis programs, OSHA spokesman Jesse Lawder said.

Although regulators never visited, it appears company officials were aware of issues with the containment dike. Freedom Industries President Gary Southern told state regulators that \$1 million was put into an escrow account to repair the wall, said Mike Dorsey, the DEP’s director of emergency response and homeland security. Company officials have not returned calls seeking comment on the condition of the dike.

“The wall is an old cement block wall, and there’s some problems with the mortar in a couple places,” Dorsey told The Associated Press. “And it came out through that.”

On an average day last year, the facility was keeping anywhere from about 11.4 million to nearly 63.5 million pounds of 10 chemicals in above-ground storage tanks and at least one warehouse, according to an inventory sheet filed with state regulators in February 2013. The AP obtained those inventories using West Virginia’s open-records law.

In addition to the coal-cleaning chemical that spilled, 4-methylcyclohexane methanol, the materials on site included such chemicals as calcium chloride and soda ash, which is sometimes used to treat drinking water.

Experts say many of the chemicals are used in industrial operations and not considered extremely hazardous, though the chemical that spilled is harmful if swallowed and can cause skin and eye irritation.

“The chemicals on this list would not be chemicals where a red flag would go up and people would be extra cautious to ensure this is housed safely,” said Rolf Halden, director of the Center For Environmental Security at Arizona State University, who reviewed the inventory list.

The chemicals at the property included up to 1 million pounds of 4-methylcyclohexane methanol, which is used to separate bits of rocks and clay from mined coal. Somehow, Tank 396 suffered a 1-inch hole in its bottom, allowing the chemical to pool on the ground and somehow go through the dike, contaminating the water.

“It’s not like it filled up the whole thing like a bathtub or a swimming pool,” Dorsey said.

Henry reported from Atlanta. Associated Press writers Jonathan Mattise and Brendan Farrington contributed to this report from Charleston.

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News Headline: W.Va. spill shows vulnerability of water supply |  

Outlet Full Name: Fresno Bee - Online

News Text: CHARLESTON, W.Va. — It's a nightmare scenario that became all too real in West Virginia: a chemical seeped into the water supply and threatened to sicken hundreds of thousands of people.

While no one became seriously ill from last week's chemical spill, some homeland security experts said the emergency was proof the United States has not done nearly enough to protect water systems from accidental spills or deliberate contamination.

Officials found out about the spill when people started calling in complaints about a strong licorice-type smell in the air. West Virginia American Water, which supplies 300,000 people with water in the central part of the state, said it would not have detected the chemical because it's not a substance utilities test for. Before the spill, no standards existed for measuring the chemical, 4-methylcyclohexane methanol, in water, the utility said.

Congress last addressed water security in a 2002 law that required utilities to assess their vulnerabilities and report them to the Environmental Protection Agency, but there was no mandate to correct the shortcomings. Subsequent efforts to establish security regulations for water systems and treatment plants have gone nowhere, despite support from the Obama and Bush administrations.

A law requiring chemical plants to develop security plans was enacted in 2007, but it specifically exempts wastewater treatment plants even though they use many of the chemicals regulated under the program. Critics said the law did not do much to make chemical plants safer either, because it didn't give the Department of Homeland Security enough enforcement authority.

A 2009 bill that passed the House but died in the Senate would have given the EPA the authority to enforce the same regulations for water treatment facilities.

Critics say water system security isn't being addressed because there's never been a wide-scale, deliberate attempt to poison the water supply.

"If this were an intentional poisoning of the water, all of a sudden you would see Congress demanding, 'Where are the plans? Why hasn't something been done?'" said Michael Greenberger, director of the Center for Health and Homeland Security at the University of Maryland. "There aren't the resources to match the problem here. And I'm sure, overtly or covertly, the thinking is, 'This has never happened.' No one's ever poisoned the water system."

Killing or sickening large numbers of people through water contamination would not be easy. Someone would need access to a large amount of chemicals and be able to dump them in a sensitive spot, which would likely attract attention, said Stephen Flynn, director of the Center for Resilience Studies at Northeastern University.

"It turns out to be fairly difficult to cause a life-threatening level of danger by essentially attacking the water system with chemicals," Flynn said. "You need a lot of chemicals, and it becomes really challenging operationally for bad people to do this on any real scale."

While no one became seriously ill in West Virginia, it was hugely disruptive as 300,000 people went without tap water for at least five days. And the long-term effects of exposure to the chemical are unknown.

Stricter regulation of chemicals and water facilities would prevent such accidents and deter terrorists, Flynn said.

The West Virginia spill is provoking some action on Capitol Hill. The Senate Environment and Public Works Committee, chaired by Sen. Barbara Boxer, D-Calif., is investigating the spill and planned two hearings to explore how similar situations could be prevented.

"We need to make sure that we identify dangerous chemicals and are making progress on chemical reforms," Boxer told reporters Tuesday.

Last year, President Barack Obama signed an executive order directing federal agencies that oversee dangerous chemicals to better share information in order to enforce existing regulations. The order was signed in response to an explosion at a fertilizer plant in West, Texas, that killed 12 people, but it could end up having some effect on regulation of water treatment plants, said Rick Hind, legislative director of Greenpeace, which has pushed for stronger controls on chemicals.

There were warnings about the Elk River's susceptibility to chemicals. A report prepared by West Virginia officials in 2002 in compliance with the Safe Drinking Water Act found that the water system in the Kanawha Valley, the area affected by the spill, had a high susceptibility to potential contamination. The report identified 53 potential contaminants to the water system, all but four of them from commercial or industrial sources. The area is known locally as Chemical Valley.

It's not clear whether anything was done to address the report's recommendations, and state officials said they were unaware of any more recent studies. The Safe Water Drinking Act does not give any additional authority to states or utilities to reduce or eliminate threats, said Lynn Thorp, of Clean Water Action.

West Virginia American Water and other utilities serving populations of 50,000 or more were required to submit vulnerability assessments to the EPA in 2003. The EPA keeps the assessments secret, and while it analyzed them to ensure they complied with the law, the agency has no authority to force water companies to enhance security. The assessments have not been updated since 2003.

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